

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-23 and 25-27 are pending in this application. Claims 1-8, 11-12, 15 and 18-19 are currently amended. Claim 24 stands cancelled. Claim 1 is the sole independent claim.

DOUBLE PATENTING REJECTION

Claims 1-23 and 25-27 are *provisionally* rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-19 of co-pending U.S. Patent Application No. 10/564,601.

Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application 10/564,601 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

Furthermore, amendments to independent claim 1 overcome the double patenting rejection.

Rejections under 35 U.S.C. §101

Claims 21-23 and 27 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner interprets “a coding device,” “a decoding device” and “a coding/decoding device” as recited in the claims as either hardware or software. However, since the specification does not explicitly mention the devices being hardware devices, the Examiner, for the purposes of examination, interprets the recited “coding device,” “decoding device” and “coding and decoding device” for

implementing the coding and/or decoding methods to comprise only computer software and alleges that claims 21-23 and 27 are directed to non-statutory subject matter.

Applicants respectfully disagree and submit that, as per the plain ordinary dictionary meaning of “device,” the “coding device,” “decoding device” and “coding/decoding device” as recited in the claims is directed to hardware. As such, claims 21-23 and 27 are directed to statutory subject matter.

Applicants respectfully request that the rejections of claims 21-23 and 27 under 35 U.S.C. §101 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-23 and 25-27 stand rejected under 35 U.S.C. § 103 as being unpatentable over US 2004/0068696 A1 to Seyrat et al. (“Seyrat”) in view of US 2002/0138517 A1 to Mory et al. (“Mory”). Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed during the interview of August 18, 2009 and as suggested by the Examiner in the Interview Summary, claim 1 in the preceding section has been amended somewhat similar to as proposed and discussed during the interview. As such, Seyrat and Mory, alone or in combination, fail to disclose, teach or fairly suggest the subject matter of independent claim 1, thereby failing to render the limitations of claim 1 obvious to one of ordinary skills in the art.

Claims 2-23 and 25-27, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-23 and 25-27 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130.00 extension fee herewith.

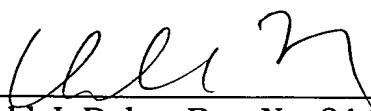
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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